

**RANDY WADE RUMFELT,**

**VS.**

**QUEENS UNIVERSITY OF  
CHARLOTTE, JOHNNIE RAVENELL,  
and CAMPUS POLICE OFFICERS A, B &  
C,**

## Defendants.

The defendants filed a statement noting Plaintiff Randy Wade Rumfelt's ("Plaintiff") death on July 11, 2011. (Doc. No. 27). Federal Rule of Civil Procedure 25(a)(1) provides that if no motion to substitute a proper party is made within ninety days after service of such a statement, the Court must dismiss Plaintiff's action. See Brooks v. Arthur, 626 F.3d 194, 196 n.1 (4th Cir. 2010). No party has come forward to prosecute this action on behalf of Plaintiff's estate. Ninety days have passed since the defendants filed their statement noting Plaintiff's untimely death. Therefore, the Court must dismiss this action.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's case is **DISMISSED**; and
2. The Defendants' Motion to Dismiss, (Doc. No. 24), is **DISMISSED as moot**.

Signed: October 10, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

